

Introduction: Some Information about the Exchange Visitor Program

Purpose

The purpose of the Summer Work/Travel program is to provide bona fide foreign post-secondary students an opportunity to become directly involved in the daily life of the people of the United States through travel and temporary work for a period up to four months during their summer vacation.

Regulations

The regulations governing the Summer Work/Travel program are found at 22 *CFR* §62.32.

The Summer Work/Travel Exchange Visitor Program

How does a foreign student participate?

The U.S. Department of State (DoS) administers the Exchange Visitor Program under the provisions of the *Mutual Educational and Cultural Exchange Act of 1961*, as amended. The Department of State designates U.S. organizations to administer exchange programs in several categories. These organizations are known as sponsors. A list of the designated sponsors in the category of Summer Work/Travel can be found on our website listed below. The majority of these sponsors have partners or agents located worldwide to assist you. You may be able to locate information in your country by searching the web under "exchange programs" or the "J visa."

Catalog of Department of State Designated Exchange Visitor Program Sponsors:

<http://eca.state.gov/jexchanges/index.cfm>

What is the definition of "student"?

For the purpose of participation in the Summer Work/Travel program, "student" is defined as a *bona fide* post-secondary student currently enrolled in and actively pursuing a degree or a full-time course of study at an accredited educational institution, or as that status is defined in their local educational system.

How long does the Summer Work/Travel program last?

The Program dates entered on the Form DS-2019 sets the particular program duration, but no program can exceed four months. Participants may not work at any other time except during the period indicated on the Form DS-2019. Program extensions are not permitted. [22 *CFR* §62.32(a)]

What is the Student and Exchange Visitor Information System (SEVIS)?

SEVIS is an Internet-based system that provides tracking and monitoring, with access to accurate and current information on nonimmigrant students (F and M visa) and exchange visitors (J visa), and their dependents (F-2, M-2, and J-2). SEVIS enables schools and sponsors to transmit electronic information and event notifications, via the Internet, to the Department of Homeland Security (DHS) and DoS throughout a student's or exchange visitor's stay in the United States. SEVIS will be informed of status events for students and exchange visitors including, but not limited to, entry/exit data, changes of current United States address (residence), program extensions, employment notifications, and changes in program of study. SEVIS will also provide system alerts, event notifications, and reports to the end-user schools and sponsors, as well as for DHS and DoS offices.

SEVIS is required by section 641 of the Illegal Immigration Reform and Immigrant Responsibility Act (IIRIRA) of 1996, Public Law 104-208 (as amended), which requires DHS to collect current information, on an ongoing basis, from DHS-certified schools and DoS-designated exchange visitor program sponsors relating to nonimmigrant foreign students (F and M visas) and exchange visitors (J-visa) during the course of their stay in the United States.

The Form DS-2019, needed to apply for a J visa, can only be issued by a DoS-designated sponsor who has been authorized access to SEVIS.

What is the SEVIS I-901 Fee?

The SEVIS I-901 Fee is a fee paid to DHS by all F-1, M-1 and J-1 visa participants. It is used for the maintenance and upkeep of SEVIS. The SEVIS I-901 Fee for the Summer Work/Travel program is \$35.00. This fee must be paid prior to your visa interview. The federal statute relating to SEVIS, [8 USC §1372 (e)(5)], requires that a student or exchange visitor present proof of payment before being granted a visa or admission. The SEVIS I-901 fee payment receipt, along with the electronic record in SEVIS and the SEVIS I-901 Fee payment system, serve as proof of payment. In most cases, Consular Officials who need to verify that you have paid the SEVIS fee can do so electronically. However, it is recommended that a copy of your receipt be retained. Having the receipt will make it easier to prove you have paid the fee. The receipt is also useful when you go to a visa interview if you are from a Visa Waiver country, or are applying for F-1, F-3, M-1, M-3 or J-1 status at the Port of Entry (POE). The receipt is also your assurance that your payment and fee information were properly processed and posted.

Please ask your sponsor about this fee and the process for payment. In some case, sponsors pay for the fee up front; in other cases, sponsors require participants to pay the fee.

What is meant by program validation?

When a foreign national enters the United States to participate in an exchange visitor program, they must report to the sponsor who issued the Form DS-2019 used to acquire the J-visa so that the sponsor's officials can record his/her arrival in SEVIS, validating their active participation in the sponsors exchange visitor program. When this is done, the participant's SEVIS record is changed from Initial status (awaiting arrival) to Active status (arrived and reported to sponsor). Failure to report to your sponsor upon arrival in the United States will jeopardize your valid program visa status.

Can I change my residence during my program?

Check with your sponsor prior to becoming a participant. Whether you can change your residence during your exchange program depends on the contract or arrangements you made with your sponsor or the potential employer. Some pre-arranged employment conditions include accommodations as a part of the employment agreement. In this case, you cannot seek other housing. If housing is not part of your exchange visitor program, you can change housing. You must however, keep your sponsor informed of your U.S. address. The U.S. address is where you reside in the United States. Regulations require that the U.S. address be reported to your sponsor within ten days of the change.

Can I change my place of employment during my participation in an exchange visitor program?

Check with your sponsor prior to becoming a participant. Whether you can change your place of employment during your exchange program depends on the contract or arrangements you made with your sponsor or the potential employer. Some pre-arranged employment conditions will not permit a change of employment. If you change employment without authorization of your sponsor, your exchange visitor program will be terminated. A participant whose program is terminated must leave the U.S. immediately. Failure to comply can create legal difficulties for the participant that will affect his or her further ability to travel, study or work in the United States at any time in the future.

Can I work at more than one job while participating in the Summer/Work Travel program?

There is no regulatory prohibition against having more than one job. However, check with your sponsor prior to accepting a second position.

Who do I contact if I have questions or concerns or need information concerning my exchange visitor program?

If you have questions about your participation in the Summer Work/Travel program, contact your sponsor. Your sponsor is responsible for your stay in the United States and will assist you as appropriate.

May participants work beyond the program end date if they enter the United States after the start date printed on the Form DS-2019?

Should participants enter the United States after the start date stated on their Form DS-2019, the sponsor may adjust the program begin and end dates prior to validation of a participant's record in SEVIS.

NOTE: Keep in mind that this period must not extend beyond the student's summer vacation, and the first day of the following term at the college or university at which the student is enrolled for courses.

What is the 30-day Grace Period?

The Department of Homeland Security (DHS) provides all J-1 program participants a 30-day travel status period following the completion of their program. This period is NOT included in the program dates entered on the Form DS-2019. The grace period allows participants to travel domestically and/or to prepare for and depart from the United States. It is not to be used for any other purpose. Program participants who travel beyond the boundaries of the United States during the grace period may not be permitted by DHS to re-enter the United States as they are no longer in valid J-1 status during this time. Employment is prohibited during this grace period.

Is a student who has finished their course work, but who has not yet formally graduated, eligible for this program?

A student who has finished his/her course work but has not yet formally graduated is not/not eligible for the program **unless** they can demonstrate enrollment in another degree program or otherwise demonstrate that they return bona fide student status of their academic institution.

Are students attending vocational schools eligible for participation in this program?

Students attending a vocational school are **not** eligible to participate in the Summer Work/Travel program unless they can demonstrate that their study will ultimately lead to a degree from an accredited post-secondary institution.

When may a student participate in a Summer Work/Travel program?

Foreign nationals who are a full-time college or university student in their home country may participate in the Summer Work/Travel program only during **their** summer vacation. It is inappropriate for students to participate in this program outside the summer break provided in their host/home country's normal academic calendar. [22 CFR §62.32(a)]

How do sponsors screen and select program participants?

Sponsors are required to conduct a personal interview, and they must ensure that the program is suitable to the participant's background, needs, and experience. Sponsors must also ensure that participants meet the eligibility criteria defined below.

[22 CFR §62.10(a)(1-2)] and [22 CFR §62.32(b)(1-3)]

Student Status

Eligible program participants are bona fide post-secondary school students actively pursuing a degree or a full-time course of study at an accredited educational institution. Students that have completed their degree are no longer bona fide students. [22 CFR §62.32(b)(2)] and Program Policy cleared and signed on June 25, 1996

English-Language Proficiency

Prospective exchange visitor participants must possess sufficient proficiency in the English language to participate in their programs. [22 CFR §62.10(a)(2)]

Repeat Participation

There is no prohibition against students participating in the Summer Work/Travel program for more than one year.

Are Summer Work/Travel program participants required to have medical insurance?

Yes. In fact, all exchange visitors, regardless of their program category, are required to have medical insurance. Sponsors shall require each exchange visitor to have insurance in effect that covers the exchange visitor for sickness or accident during the entire period of time that an exchange visitor participates in the sponsor's exchange visitor program. (The period of time identified on the Form DS-2019.) Minimum coverage shall provide:

1. Medical benefits of at least \$50,000 per accident or illness
2. Repatriation of remains in the amount of \$7,500
3. Expenses associated with the medical evacuation of the exchange visitor to his or her home country in the amount of \$10,000
4. A deductible not to exceed \$500 per accident or illness.

[22 CFR §62.14(a)(1-4)]

The insurance policy, plan, or contract secured to fulfill the above requirements must meet other standards specified in the Exchange Visitor Program regulations.

See [22 CFR §62.14 (b)(1-3), (c)(1-4), (d), (e), (f) and (g)].

Exchange visitors who willfully fail to maintain the insurance coverage set forth in the regulations while participating in exchange visitor programs or who make material misrepresentations to the sponsor regarding such coverage are deemed to be in violation of the regulations and are subject to termination from the program. Sponsors shall terminate an exchange visitor's participation if the exchange visitor or accompanying spouse and/or dependents fail to remain in compliance with the regulations governing insurance coverage.

[22 CFR §62.14(h,i)]

Are sponsors required to provide orientation materials and sessions to their participants?

Sponsors are required to provide both pre-arrival information and an orientation session to all Summer Work/Travel program participants. The Exchange Visitor Program regulations published on April 13, 1999, distinguish between participants who enter the United States with pre-arranged employment and those who enter without pre-placement. The requisite pre-arrival materials for each group are described below. Requirements for orientation follow.

What information should program participants receive before they leave for the United States? (Pre-arrival Information)

The following information must be provided to participants who have secured employment (are pre-placed/pre-arranged) before their departure for the United States:

1. The name and location of the employer

2. Any contractual obligations related to acceptance of paid employment in the United States. (This should include such information as the dates of employment, the number of hours of work weekly, over time requirement/pay, hourly salary, work hours, whether housing is included by the employer, and at what cost, etc.)

[22 CFR §62.32(c)(1-2)]

The following information must be provided to participants without pre-placed/pre-arranged employment. Items 1 and 2 must be provided prior to their departure for the United States. Item 3 may be given to participants when they arrive (i.e., at the orientation session) in the United States.

1. How to seek employment in the United States
2. How to secure lodging in the United States
3. A roster of bona fide job listings equal to or greater than the number of not pre-placed participants for whom the sponsoring organization facilitated entry to the United States

[22 CFR §62.32(d)(1-4)]

ALL participants are to receive the following information before their departure for the United States:

1. The purpose of the Exchange Visitor Program
2. Home-country physical presence requirement
3. Travel and entry into the United States
4. Housing
5. Fees payable to the sponsor
6. Other costs that the exchange visitor will likely incur (e.g., living expenses) while in the United States
7. Health Care and insurance
8. Other information that will assist exchange visitors to prepare for their stay in the United States

[22 CFR §62.10(b)(1-8)]

What information is included in the orientation session? (Orientation)

Exchange Visitor Program regulations require sponsors to offer appropriate orientation for all exchange visitors. Orientation shall include, but not be limited to, information on:

1. Life and customs in the United States
2. Local community resources (e.g., public transportation, medical centers, schools, libraries, recreation centers, and banks) to the extent possible
3. Available health care, emergency assistance, and insurance coverage
4. A description of the program in which the exchange visitor is participating
5. Rules that the exchange visitors are required to follow
6. Address of the sponsor and the name and telephone number of the Responsible Officer
7. Address and telephone number of the Office of Exchange Coordination and Designation; and
8. A copy of the Exchange Visitor Program brochure outlining the regulations relevant to the exchange visitor.

[22 CFR §62.10(c)(1-7)]

Must all program participants of the Summer Work/Travel Program have pre-arranged employment before entering the United States?

No. Students entering the United States without pre-arranged employment must have sufficient financial resources to support themselves during their search for employment. Sponsors are required to undertake reasonable efforts to secure suitable employment for participants who have not found suitable employment within one week of commencing their job search. Therefore, participants should contact their sponsor if they have not located employment within one week of arrival.

[22 CFR §62.32(d)(1,4)]

Are there any restrictions on the type of employment a Summer Work/Travel program participant may hold?

Yes. Participants may **not** be employed as domestic employees in U.S. households (child care, chauffeurs, gardeners, etc.), in positions that require them to invest their own monies to provide themselves with inventory for the purpose of door-to-door sales, or in any employment involving any type of patient care.

[22 CFR §62.32(I)]

How are participants remunerated?

Summer Work/Travel participants are to receive the same pay and benefits as U.S. citizens in the same or similar positions. Information about the Federal Minimum Wage requirements should be provided by your sponsor prior to acceptance in the program.

[22 CFR §62.32(e)]

Are participants monitored?

Yes. Sponsors are required to ensure that the activity in which their participants are engaged is consistent with the category and activity listed on the exchange visitor's Form DS-2019. Sponsors are also to monitor the progress and welfare of their participants, as well as maintain their current U.S. addresses and telephone numbers.

[22 CFR §62.10(e)(1-4)]

Sponsors must also provide to all participants telephone numbers through which they may have 24-hour immediate contact with the sponsor organization/officials. Sponsors are also required to provide appropriate assistance to program participants on an as-needed emergency basis.

[22 CFR §62.32(f)(1-2)]

May sponsors use Third Parties to administer their program?

Sponsors may use a third party to provide orientation, U.S. hosting, placement, and/or other support services for program participants. However, the sponsors shall closely oversee the provision of these services provided by the third party(ies), and remain responsible to the Department of State for full compliance with the program regulations by the third party. This means that sponsors are required to take all reasonable steps to ensure that the third party knows and complies with the Exchange Visitor Program regulations at all times. The sponsor may be subject to sanctions for violations incurred by the third party.

[22 CFR §62.32(g)]